

1 **AMERICAN CIVIL LIBERTIES UNION**
 2 **FOUNDATION OF ARIZONA**

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46 **UNITED STATES DISTRICT COURT**

47 **DISTRICT OF ARIZONA**

48 Fund for Empowerment, *et al.*,

49 Plaintiffs,

50 v.

51 City of Phoenix, *et al.*,

52 Defendants.

53 No. CV-22-02041-PHX-GMS

54 **APPLICATION FOR ENTRY OF**
 55 **DEFAULT AGAINST INTERVENORS**

56 Pursuant to Federal Rule of Civil Procedure 55(a), Plaintiffs request the Court enter
 57 default against Intervenors Freddy Brown, Joel Coplin, Jo-Ann Coplin, Deborah Faillace,
 58 Karl Freund, Gallery 119, Michael Godbehere, Jordan Evan Greeman, Rozella Hector,

1 Daniel Langmade, Dianne Langmade, Ian Likwarz, Matthew Lysiak, Michael Lysiak, Old
2 Station Sub Shop, PBF Manufacturing Co. Inc., Phoenix Kitchens LLC, and Don Stockman
3 without a hearing. Plaintiffs rely upon the record in this case and the Affidavit of counsel
4 submitted with this motion as Exhibit 1.

5

6

7 DATED this 13th day of June, 2025.

8

9

By: /s/ Benjamin Rundall

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CERTIFICATE OF SERVICE

I, Angela Castillo, hereby certify that on June 13, 2025 I caused a true and correct copy of the foregoing to be served by electronic mail to all counsel of record pursuant to prior agreement.

/s/ *Angela Castillo*

EXHIBIT 1

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28 **UNITED STATES DISTRICT COURT**

1 **DISTRICT OF ARIZONA**

2 Fund for Empowerment, *et al.*,

3 Plaintiffs,

4 v.

5 City of Phoenix, *et al.*,

6 Defendants.

7 No. CV-22-02041-PHX-GMS

8 **DECLARATION IN SUPPORT OF
9 APPLICATION FOR ENTRY OF
10 DEFAULT AGAINST INTERVENORS**

11 I, Benjamin Rundall, being duly sworn, state as follows:

12 1. I am an attorney for Plaintiffs in these proceedings.

1 2. On May 23, 2023, Freddy Brown, Joel Coplin, Jo-Ann Coplin, Deborah
 2 Faillace, Karl Freund, Gallery 119, Michael Godbehere, Jordan Evan Greeman, Rozella
 3 Hector, Daniel Langmade, Dianne Langmade, Ian Likwarz, Matthew Lysiak, Michael
 4 Lysiak, Old Station Sub Shop, PBF Manufacturing Co. Inc., Phoenix Kitchens LLC, and
 5 Don Stockman (“Intervenors”) moved to intervene in this case (Doc. 76), and on May 25,
 6 2023, the Court granted their motion (Doc. 85).

7 3. Plaintiffs filed their Third Amended Complaint (Doc. 159) on July 12, 2024.

8 4. Defendants filed their Motion to Dismiss Plaintiffs’ Third Amended
 9 Complaint (Doc. 161) on July 26, 2024, and their Answer on April 14, 2025 (Doc. 173).

10 5. Intervenors, however, have failed to answer or otherwise respond to
 11 Plaintiffs’ Third Amended Complaint.

12 6. Intervenors also failed to appear at the Case Management Conference on May
 13 23, 2025.

14 7. Plaintiffs now move for default against Intervenors and ask the Court to
 15 dismiss them from this case with prejudice.

16 I declare under penalty of perjury that the foregoing is true and correct.

17 DATED this 13th day of June, 2025.

18 By: /s/ Benjamin Rundall

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